

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

TROY ALEXANDER,

Plaintiff,

v.

5:17-cv-1195  
(DNH/TWD)

CITY OF SYRACUSE, *et al.*,

Defendants

---

APPEARANCES:

K. FELICIA DAVIS, ESQ.  
Counsel for Plaintiff

CHRISTINA F. DeJOSEPH, ESQ.  
Counsel for Defendants City of Syracuse and Gilhooley

CAROL L. RHINEHART, ESQ.  
Counsel for Defendant County of Onondaga

THÉRÈSE WILEY DANCKS, United States Magistrate Judge

**ORDER**

Presently before the Court in this action is Plaintiff's motion to unseal Grand Jury records. (Dkt. No. 63.) Defendant County of Onondaga opposes the motion. (Dkt. No. 65.) Defendants City of Syracuse and Detective Gilhooley did not take any position on the motion.

The Court held a telephone conference in which oral argument was conducted in connection with the motion on January 28, 2020. At the close of argument I issued a bench decision wherein I granted Plaintiff's motion to unseal the relevant Grand Jury records, and I provided further detail

regarding my reasoning and addressing the specific issues raised in the motion.

After due deliberation, and based up the Court's oral bench decision, which has been transcribed, is attached to this Order and is incorporated in its entirety by reference herein, it is hereby,

**ORDERED**, that Plaintiff's motion (Dkt. No. 63) and Plaintiff's follow up letter motion (Dkt. No. 78) seeking to unseal minutes of the subject Grand Jury proceedings are **GRANTED**; and it is further

**ORDERED**, that Defendant Onondaga County shall provide Plaintiff and the other Defendants with a copy of the subject Grand Jury minutes and any accompanying records by 2/12/2020 pursuant to the parties' confidentiality Order (Dkt. No. 24); and it is further

**ORDERED**, that the pretrial discovery deadlines are reset as follows: fact discovery due 6/15/2020; fact discovery motions due 6/22/2020; Plaintiff's expert disclosure due 7/13/2020; Defendants' expert disclosure due 8/24/2020; expert rebuttal due 9/8/2020; all expert discovery/all discovery due 10/5/2020; expert discovery motions due 10/13/2020; dispositive motions due 11/9/2020.

SO ORDERED.

Dated: January 29, 2020  
Syracuse, New York



Therese Wiley Dancks  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----x  
TROY ALEXANDER,

Plaintiff,

vs.

5:17-CV-1195

CITY OF SYRACUSE, et al.,

Defendants.

-----x  
Transcript of a **Decision** held during a  
Telephone Conference held on January 28, 2020, at  
the James Hanley Federal Building, 100 South Clinton  
Street, Syracuse, New York, the HONORABLE THÉRÈSE  
WILEY DANCKS, United States Magistrate Judge,  
Presiding.

A P P E A R A N C E S

(By Telephone)

For Plaintiff: K. FELICIA DAVIS, ESQ.  
Attorney at Law  
P.O. Box 591  
Syracuse, New York 13201-3049

For Defendant: CITY OF SYRACUSE  
(City of Syr.,  
Gilhooley) CORPORATION COUNSEL  
233 East Washington Street  
Room 300 City Hall  
Syracuse, New York 13202  
BY: CHRISTINA F. DeJOSEPH, ESQ.

For Defendant: COUNTY OF ONONDAGA  
(County of Onon.) Department of Law  
421 Montgomery Street, 10th Floor  
Syracuse, New York 13202  
BY: CAROL L. RHINEHART, ESQ.

(In Chambers, Counsel present by telephone.)

2 THE COURT: Presently before the court is  
3 plaintiff's motion seeking to unseal grand jury minutes in  
4 the criminal matter against plaintiff related to his claims  
5 for illegal search and seizure, false arrest, and malicious  
6 prosecution in this action. The motion is found at Docket  
7 63. The defendant County filed opposition to the motion at  
8 Docket Number 65. The City defendants took no position on  
9 the motion. After due deliberation and consideration of the  
10 parties' submissions and what I've heard today, the court  
11 finds the following:

12 The plaintiff's motion to unseal the subject grand  
13 jury minutes is granted. Federal Rule of Criminal Procedure  
14 Rule 6(e)(3)(E)(i) authorizes a federal court to unseal grand  
15 jury records, including state grand jury minutes. I find the  
16 subject grand jury minutes to be relevant and necessary to  
17 plaintiff's Section 1983 claims and in order to avoid  
18 injustice, the entirety of the record should be disclosed.

19 Plaintiff previously sought the minutes from the  
20 relevant county court but was denied access to them. Here,  
21 plaintiff has also made the requisite particularized need  
22 showing that there is no other sufficient means to obtain the  
23 information, and the need for disclosure outweighs the need  
24 for secrecy of the grand jury proceedings.

25 The subject grand jury records are necessary in

1 regard to the timing of individuals and law enforcement  
2 entering the subject premises and the timing of the searches  
3 of the premises and the plaintiff's vehicles, all of which go  
4 to the heart of whether the defendants had probable cause to  
5 arrest plaintiff, search his residence, and prosecute the  
6 plaintiff.

7 Additionally, the court has -- or excuse me.  
8 Additionally, the plaintiff has no ability to acquire the  
9 information before the grand jury from any other source since  
10 one of the main relevant witnesses, Lashauna Monahan, is  
11 deceased and had apparently testified before the grand jury.

12 I also find that the usual reasons for secrecy are  
13 not impacted by the disclosure of the grand jury minutes I'm  
14 ordering. There's no need for secrecy to prevent the escape  
15 of plaintiff or to ensure the freedom of grand jury  
16 deliberations or to prevent subornation of perjury or  
17 tampering with witnesses.

18 I'll also add that New York's Criminal Procedure  
19 Law has recently been amended, as of January 1, 2020, Section  
20 245.20 of New York's Criminal Procedure Law now provides that  
21 grand jury minutes are to be provided to a criminal defendant  
22 as part of initial discovery.

23 So plaintiff's motion at Docket Number 63 and the  
24 follow-up letter motion at Docket Number 78 are granted, and  
25 the defendant County shall turn over the grand jury minutes

1 in their entirety by a date that I'm going to set in a few  
2 minutes. These records should be turned over pursuant to the  
3 stipulated protective order found in Docket Number 24. So as  
4 I said at the outset, I'll issue an order and this ends the  
5 part of the transcript that will be attached to the order and  
6 incorporated by reference into it.

7 (Whereupon the proceedings continued.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF OFFICIAL REPORTER  
2  
3

4 I, JODI L. HIBBARD, RPR, CRR, CSR, Federal  
5 Official Realtime Court Reporter, in and for the  
6 United States District Court for the Northern  
7 District of New York, DO HEREBY CERTIFY that  
8 pursuant to Section 753, Title 28, United States  
9 Code, that the foregoing is a true and correct  
10 transcript of the stenographically reported  
11 proceedings held in the above-entitled matter and  
12 that the transcript page format is in conformance  
13 with the regulations of the Judicial Conference of  
14 the United States.

15

16 Dated this 28th day of January, 2020.  
17  
18

19 /S/ JODI L. HIBBARD  
20  
21

22 JODI L. HIBBARD, RPR, CRR, CSR  
23 Official U.S. Court Reporter  
24  
25